GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR DEPARTMENT

Labour Dispute:—Industrial Dispute between the workmen and the management of M/s J. B. Bakery, No. 1, 9th Main Road, Jayanagar, III Block, Bangalore-11.

Award of the Presiding Officer, Labour Court, Bangalore published.

Read the following papers:

(1) Letter No. 294/75-76, dated 10th June 1975 from Sri P. Srinivsacharya, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PERSIDING OFFICER, LABOUR COURT, BANALORE.

Dated this 10th day of June 1975.

PRESENT:

Shri P. Srinivasacharya, B.A., LLB.,
Presiding Officer

Reference No. 135 of 1974

First Party:—

Karunakaran, represented by the Secretary, Bangalore District Hotel and Canteen Workers Union, 50-A, A.S. Char Street. Bangalore-560002-A.

Vs

Second Party:—

The Management of M/s J. B. Bakery, No. 1, 9th Main Road, Jayanagar, III Block. Bangalore. 11.

Reference:—

Government order No. SWL 561 LLD 74 dated 19th August 1974.

AWARD

1. The Government of Karnataka in their order No. SWL 561 LLD 74, dated 19th August 1974 have referred an industrial dispute between the above named parties to this Court for adjudication on the points of dispute noted below:

> "are the management of M/s J. B. Bakery, No. 1, 9th Main Road, Jayanagar, III Block, Bangalore-11, justified in terminating the services of Sri. Karunakaran Breadmaker, with effect from 4th May 1973 ?
>
> If not, to what relief is the said workmen entitled?"

2. On receipt of the reference, it was registered as Reference No. 135 of 1974 and notices were issued to both the parties, which were duly served on them. The first party filed his claim statement on 26th September 1974. The second party remained absent and did not file its counter-statement. Three notices were issued to the II party to file its rejoinder on 4th October 1974, 13th January 1975 and 31st January 1975. In spite of service of these notices, the II party remained absent. One Raghavan K. has sent a letter dated nil which has been received on 24th January 1975 saying that the proprietor was out of station. But the II Party was neither present nor represented by any one even after January 1975 and the II Party remained absent right from the beginning. In the circumstances, I am constrained to proceed under Rule 23 of the Industrial Disputes (Karnataka) Rules as if the II Party was present and had been duly represented.

3. In the claim statement, the first party has stated that the II Party has terminated the services of Sri. Karunakaran, Bread Maker, with effect from 4th May 1973 without any notice, without any enquiry and whithout any reason in an arbitrary manner. The aggrieved workman has put in more than three years service and was doing a work of permanent nature and has not even been paid arrears of wages for five months. His servisces were terminated.

because he had demanded arrears of 5 months wages. The workman's request for reinstatement was acceded by the II Party. It is therefore prayed that he be reinstated with continuity of service and consequential benefits and back wages.

4. The I Party workmen got himself examined W.W.1 and has stated that he was working in II Party management as Bread Maker and was getting Rs. 75/- as wages besides free food. He had joined the concern on 1st February 1970. There is no appointment letter. He was removed from service as he demanded his six months salary which was due to him. He wrote a letter to the management as per Ex.W.1. the certificate of posting of which is as per Ex.W.2. He did not receive any reply. Without any notice and without any enquiry his services were terminated. His letter to concilliation officer is as per Ex.W.3. The notices sent by the concilliation officer to the management are as per Ex.W.4. series. He has not committed any misconduct. He prays that he be reinstated with full back wages.

5. I have no reason to disbelieve the evidence of I Party workman which stands unrebutted. The II Party has not even cared to appear before this Court and resist the case in spite of service of notices issued by this Court. In the circumstances, the I Party workman is entitled to the relief of reinstatement to his former post with continuity of service. However, with regard to back wages, taking all the facts and circumstances of the case into consideration, I am inclined to grant only 20 per cent of his back wages. Hence my Award.

AWARD

6. In the result, the Management of M/s. J. B. Bakery, No. 1, 9th Main Road, Jayanagar, III Block, Bangalore-11, was not justified in terminating the services of Sri Karunakaran, Bread Maker, with effect from 4th May 1973. The first party workman. Sri. Karunakaran, is entitled to the relief of reinstatement to his former post with continuity of service and 20 per cent of his back wages. No costs.

P. SRINIVASACHARYA,
Presiding Officer,
Labour Court, Bangalore.

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(P. Srinivasacharya),
Presiding Officer.
Labour Court, Bangalore.

Order No. SWL 142 LLD 75.
Bangalore, dated 5th July 1975.

S. O. 2541.—WHEREAS by State Government Order No. SWL 561 LLD 74, dated 19th August 1974, the Industrial Dispute between the workmen and the management of M/s J. B. Bakery, No. 1, 9th Main Road, Jayanagar, III Block, Bangalore-11, was referred to the Labour Court, Bangalore, for adjudication.

AND, WHEREAS the Labour Court, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secretary to Government,
Social Welfare and Labour Department.